

REMARKS

This Amendment is fully responsive to the non-final Office Action dated November 14, 2007, issued in connection with the above-identified application. Claims 32-65 were previously pending in the application. With this Amendment, claims 32-65 have been canceled without prejudice or disclaimer to the subject matter therein; and claims 66-85 have been added. Thus, claims 66-85 are all the claims that remain pending in the application. No new matter has been introduced by the new claims. Favorable reconsideration is respectfully requested.

To facilitate the Examiner's reconsideration of the application, the Applicants have provided a substitute specification and abstract. The changes to the specification and abstract include minor editorial and clarifying changes. In addition to the substitute specification and abstract, a marked-up copy of the specification and abstract are also included. No new matter has been added by the amendments made to the specification and abstract.

In the Office Action, claims 53 and 58-59 have been rejected under 35 USC 112, second paragraph, for allegedly being indefinite. Specifically, the Examiner alleged that the term "RFID" is used in the claims without explicitly defining the term. The Applicants have canceled claims 53 and 58-59 rendering the above rejection under 35 USC 112, second paragraph, to those claims moot. Additionally, new claims 66-85 do not include the term "RFID." Withdrawal of the rejection under 35 USC 112, second paragraph, is respectfully requested.

In the Office Action, claim 64 has been rejected under 35 USC 101 for allegedly being directed to non-statutory subject matter. Specifically, the Examiner alleged that the phrase "management program" recited in claim 64 lacks the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 USC 101 (i.e., recites merely functional descriptive material).

Additionally, the Examiner indicated that functional descriptive material can be statutory within the meaning of 35 USC 101 when recorded on a computer-readable medium. Claim 64 has been canceled rendering the above rejection under 35 USC 101 to the claim moot. Moreover, in new claims 66-85 the phrase "management program" is used only in claim 85 and the management program is recited as being stored on a computer-readable recording medium.

Withdrawal of the rejection under 35 USC 101 is respectfully requested.

In the Office Action, the Examiner has made the following prior art rejections to the claims: claims 32-43, 45, 47, 52, 55, 57 and 61-65 have been rejected under 35 USC 102(b) as being anticipated by Milton (U.S. Publication No. 2002/0059120, hereafter "Milton"); claim 44 has been rejected under 35 USC 103 (a) as being unpatentable over Milton in view of Bollay (U.S. Publication No. 2002/002300, hereafter "Bollay"); claim 46 has been rejected under 35 USC 103(a) as being unpatentable over Milton in view of Stewart (U.S. Publication No. 2003/0140348, hereafter "Stewart"); and claims 53, 54 and 58-60 have been rejected under 35 USC 103(a) as being unpatentable over Milton in view of Neff (U.S. Publication No. 2002/0007457, hereafter "Neff").

The Applicants have canceled claims 32-65 rendering the prior art rejections noted above to those claims moot. Additionally, the Applicants maintain that the cited prior art fails to disclose or suggest all the features recited in new claims 66-85. In particular, the cited prior art fails to disclose or suggest the features recited in independent claims 66, 67, 79, 84 and 85. For example, claim 66 recites the following features:

"an information presentation system comprising:

a playback device;

a management device; and

a terminal device, wherein

said terminal device is a different entity from the play back device,

said play back device plays back a content, obtains a content identifier that identifies the content having been played back by the playback device, and transmits a content identifier to said management device,

said management device receives and stores the content identifier therein, generates presentation information using the content identifier stored therein in response to a request from said terminal device, and outputs the presentation information, and

said terminal device makes the request to the management device to generate the presentation information, obtains the presentation information from said management

device, and displays the presentation information."

The Applicants maintain that the cited prior art, individually or in combination, fails to disclose or suggest the following features noted above in claim 66:

- 1) a playback device that plays content, and transmits the content identifier to a management device;
- 2) a management device that receives and stores the content identifier and generates presentation information using the content identifier in response to a request from a terminal device; and
- 3) a terminal device being a different entity from the playback device that obtains the presentation information from the management device for display.

One or more of the features noted above in independent claim 66 are similarly recited in independent claim 67, 79, 84 and 85. Specifically, claim 67 is directed to a management device disclosing all the features of the management device of claim 66; claim 79 is directed to a terminal device that includes all the features of the terminal device of claim 66; claim 84 is directed to a management method including steps performed by the management device of claim 66; and claim 85 is directed to a computer-readable recording medium storing a management program that causes a computer to perform steps performed by the management device of claim 66.

The features noted above in claims 66, 67, 79, 84 and 85 are fully supported by the Applicants' disclosure (see e.g., Fig.1, Fig. 2, Figs. 4-6 and Fig. 14). As noted above, the Applicants maintain that the cited prior, individually or in combination, fails to disclose or suggest the features noted above.

Milton discloses a method and system for enabling the owner of an electronic device to access a virtual inventory of goods (e.g., music, video games, and other media content). In the Office Action, the Examiner relied primarily on Fig. 1 of Milton for disclosing or suggesting the information presentation system of the present invention. Milton, in Fig. 1, illustrates a system for distributing content to multiple users that includes user devices 120, media access providers 140, vendors 110, a virtual content handler 150 and a media content owner or content

administrator 160; and all being connected via the Internet 130.

As described in Milton, a user employs the user device 120 to access the Internet, where a device handle associated with the user device 120 is registered with an online device register 148 or device register node of the media access provider 140. Once registered, the user can use the device handle to purchase media from a vendor 110 (e.g., Amazon.com) that sells virtual content.

The purchase request by the user is verified by the media content owner or media content administrator 160 (e.g., music company). The confirmation of a purchase of content by a user is provided via a "virtual inventory unit," which is forwarded to the media access provider 140 specified by the user making the purchase. The user can then gain access to his or her virtual inventory of media content using a web enabled device (e.g., 120) to access the media access provider 140 (see e.g., ¶ [0023]).

Based on the foregoing, Milton merely discloses technology in which a user purchases and uses media content. Milton fails to disclose or suggest all the features of the claimed management device, playback device and the use of presentation data by a terminal device, as recited in independent claims 66, 67, 79, 84 and 85 (respectively).

As claimed, the playback device transmits, to the management device, content identifiers that identify content having been played back by the playback device. On the other hand, in Milton, the only device that functions as a playback device is the user device (i.e., capable of playing back content purchased). Additionally, the only identifier transmitted by the user device is a "device handle," of the user device, which is transmitted to a vendor for the purchase of content. However, as described in Milton, the device handle is used to uniquely identify the user device from other devices when purchasing content; not for identifying content having been played back by the user device (see e.g., ¶ [0026]).

As claimed, the management device uses the identifiers provided by the playback apparatus to generate presentation information upon a request by the terminal device. On the other hand, in Milton, the only management device described is the media access provider; and the media access provider, at best, contains a virtual inventory of media content that can be accessed by a user. Nothing in Milton discloses or suggests that the access media provider

receives identifiers from the user device that are used to generate presentation information. For similar reasons, it logically follows that, the user device in Milton does not receive presentation information from the access media provider for display, given (as noted above) that presentation information is not generated by the media access provider.

Finally, as claimed, the playback device and the terminal device are different entities. As clearly noted above, the user device in Milton is the playback device. Additionally, the user device in Milton would also have to be interpreted as the claimed terminal device. Thus, in Milton, the playback device and the terminal device are the same entity, not different entities.

Moreover, after a detailed review of Bollay, Stewart and Neff, the references fail to overcome the deficiencies noted above in Milton.

Specifically, Bollay is directed to a server that places ads on a public web page that are accessible to Internet visitors. The ads are placed in accordance with an ad campaign strategy that includes the use of ad impressions, IP addresses of the visitors, and geographical data related to the visitors (see e.g., Abstract).

Stewart discloses a method for providing multimedia presentation on demand in a near on demand environment. The multimedia on demand service provides users with the benefit of having access to multimedia while using relatively small amounts of bandwidth. Additionally, subscribers may be provided with a menu of multimedia presentations, wherein the presentations include a beginning segment of pre-recorded presentation (see e.g., Abstract).

Neff discloses a cryptographic process that permits one to verifiably shuffle a series of input data elements. The process includes a validity construction that prevents any one or more individuals from making a change to original data without being discovered by another (see e.g., Abstract).

As noted above, Bollay, Stewart and Neff do not disclose or suggest, individually or in combination, the following features of independent claims 66, 67, 79, 84 and 85:

- 1) a playback device that plays content, and transmits the content identifier to a management device;
- 2) a management device that receives and stores the content identifier and generates

presentation information using in the content identifier in response to a request from a terminal device; and

3) a terminal device being a different entity from the playback device that obtains the presentation information from the management device for display on the terminal device.


Based on the foregoing, independents 66, 67, 79 84 and 85 are not anticipated by the cited prior art. Additionally, no obvious combination of the cited prior art would result in, or otherwise render obvious, the present invention recited in independent claim 66, 67, 79, 84 and 85.

Similarly, claims 68-78 and 80-83 are not anticipated or rendered obvious by the cited prior art based at least on their respective dependency from independent claims 67 and 79.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the Office Action dated November 14, 2007 and pass this application issue. The Examiner is invited to contact the undersign attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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February 14, 2008